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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,105'	03/16/2004	Carl Winefordner	SLIP-20	3218
1054	7590	07/14/2006	EXAMINER	
LEONARD TACHNER, A PROFESSIONAL LAW CORPORATION 17961 SKY PARK CIRCLE, SUITE 38-E IRVINE, CA 92614			YOUNG, EDWIN	
			ART UNIT	PAPER NUMBER
			3681	

DATE MAILED: 07/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/802,105	Applicant(s) WINEFORDNER ET AL.	
	Examiner Edwin A. Young	Art Unit 3681	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/16/2004</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 4, 6-10, and 13-15 are rejected under 35 U.S.C. 102(b) as being anticipated by TREVIZO (U.S. 4,882,945).

Regarding claim 1, TREVIZO teaches an improved bicycle pedal and crank arm (see Figs. 1-3); a bicycle pedal (16) having a fixed shaft (26); a crank arm (see column 1, lines 28-30, (10) and (23)) having a rotatable bearing (31) for receiving said fixed shaft and allowing relative rotation between said pedal and said crank arm.

Regarding claim 4, TREVIZO teaches said bearing, as in claim 1, being a cartridge bearing (31).

Regarding claim 6, TREVIZO teaches said pedal and shaft, as in claim 1, integrated as a unitary body (see column 2, lines 18-21).

Regarding claim 7, TREVIZO teaches a bicycle pedal for attachment to a bicycle crank arm for relative rotation therewith, with the bicycle pedal comprising a portion for receiving a bicycle rider's foot (16) and a shaft fixedly attached to the foot receiving portion and having an end adapted for rotation in said crank arm (26).

Regarding claim 8, TREVIZO teaches a bicycle pedal, as in claim 7, with a bearing (31) for engagement with said shaft; said bearing being configured for being secured in said crank arm.

Regarding claim 9, TREVIZO teaches a bicycle pedal, as in claim 7, where said foot receiving portion and said shaft are integrated as a unitary component (see column 2, lines 18-21).

Regarding claim 10, TREVIZO teaches a bicycle crank arm having one end for rotational attachment to a bicycle frame (10) and another end for receiving a bicycle pedal (23); the crank arm comprising an aperture for receiving a bearing (31) at said pedal receiving end, said bearing being adapted for receiving a pedal shaft (26) for rotation of said shaft in said crank arm.

Regarding claim 13, TREVIZO teaches the bicycle crank arm, as in claim 10, wherein said bearing is a cartridge bearing (31).

Regarding claim 14, TREVIZO teaches a bicycle pedal comprising a body portion (16) and a shaft (26), said body portion and said shaft being fixed relative to one another (see column 2, lines 18-21).

Regarding claim 15, TREVIZO teaches a bicycle pedal, as in claim 14, wherein said shaft has an end configured for mating with a bearing (31) mounted in a crank arm for rotation of said pedal in said crank arm.

3. Claims 10-12 are rejected under 35 U.S.C. 102(b) as being anticipated by TRANVOIZ et al. (U.S. 5,440,950).

Regarding claim 10, TRANVOIZ et al. teaches a bicycle crank arm (4) having one end for rotational attachment to a bicycle frame and having another end for receiving a bicycle pedal; the crank arm (4) comprising an aperture for receiving a bearing (5) at said pedal receiving end, said bearing being adapted for receiving a pedal shaft (1) for rotation of said shaft in said crank arm.

Regarding claim 11, TRANVOIZ et al. teaches a bicycle crank arm, as in claim 10, wherein said bearing (5) is secured to said pedal receiving end by a retainer (12-14) (see column 3, lines 36-40).

Regarding claim 12, TRANVOIZ et al. teaches a bicycle crank arm, as in claim 10, wherein said bearing (5) is sealed (see Fig. 8 (11) and column 4, lines 5-9).

4. Claims 1-3, 6-9, and 14-15 are rejected under 35 U.S.C. 102(b) as being anticipated by FAN (U.S. 5,634,382).

Regarding claim 1, FAN teaches a bicycle pedal and crank arm assembly (see Fig. 1) having a bicycle pedal with a fixed shaft (1); and a crank arm (2) having a rotatable bearing (3) for receiving said fixed shaft and allowing relative rotation between said pedal and said crank arm.

Regarding claims 2 and 3, FAN teaches the bicycle pedal and crank arm of claim 1, wherein said bearing is secured to said crank arm by a retainer (34) and said bearing is sealed ((33) and (34)).

Regarding claim 6, FAN teaches the bicycle pedal and crank arm of claim 1 wherein said pedal and shaft are integrated as a unitary body (1).

Regarding claim 7, FAN teaches a bicycle pedal (1) for attachment to a bicycle crank arm (2) for relative rotation therewith; the bicycle pedal having a portion for receiving a bicycle rider's foot; and a shaft fixedly attached to the foot receiving portion (1) and having an end adapted for rotation in said crank arm.

Regarding claim 8, FAN teaches the bicycle pedal of claim 8 including a bearing (3) for engagement with said shaft end; said bearing being configured for being secured in said crank arm.

Regarding claim 9, FAN teaches the bicycle pedal of claim 7 wherein said foot receiving portion and said shaft are integrated as a unitary component (1).

Regarding claim 14, FAN teaches a bicycle pedal (1) comprising a body portion and a shaft, said body portion and said shaft being fixed relative to one another.

Regarding claim 15, FAN teaches a the bicycle pedal, as in claim 14, wherein said shaft has an end configured for mating with a bearing (3) mounted in a crank arm (2) for rotation of said pedal in said crank arm.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claims 2, 3, and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over TRANVOIZ et al. (U.S. 5,440,950) in view of TREVIZO.

Regarding claims 2, 3, and 5 TRANVOIZ et al. teaches a bicycle pedal and crank arm (see Fig. 1) having a crank arm (4) provided with a rotatable bearing (5) for receiving a shaft (1) and allowing relative rotation between a pedal and said crank arm, as in claim 1; said bearing (5) being secured to said crank arm (4) by a retainer (see column 3, lines 36-40 and (12-14)); said bearing (5) being sealed (see Fig. 8 (11) and column 4, lines 5-9); said bearing (5) is a bushing (see Fig. 8 (2) and column 4, lines 1-3). However, TRANVOIZ et al. does not teach a bicycle pedal having a fixed shaft.

TREVIZO teaches a bicycle pedal (16) having a fixed shaft (26).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have provided the bicycle pedal and crank arm assembly of TRANVOIZ et al. with a bicycle pedal having a fixed shaft, in light of the teachings of TREVIZO, in order to reduce the manufacturing components and costs of the pedal assembly.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edwin A. Young whose telephone number is 571-272-4781. The examiner can normally be reached on M-F 8-3.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Marmor can be reached on 571-272-7095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

EAY

Charles A. Marmor 7/11/06
CHARLES A. MARMOR
SUPERVISORY PATENT EXAMINER
ART UNIT 3681